

CONSERVATION BOARD
238 Main St., Cold Spring, NY 10516
July 11, 2017 7:30 PM

MEETING AGENDA

1) Approval of Minutes:

- June 13, 2017

2) Correspondence:

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3) Old Business:

Jose & Maria Lojano 17 Ox Yoke Road, Garrison, NY Planting and Drainage pipe to existing intermittent water courses)	TM# 90.8-2-7	WL17-288
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4) New Business:

Homeland Towers LLC, 40 Yesterday Drive. (Continued review of the 5,610 square foot fenced compound containing a 180 foot monopole and related equipment at the base of the structure.)	TM #38-3-24.1	WL 17-289
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5) Storm water Discussion:

6) Other discussion:

- Grant writing for storm water program for the Town of Philipstown.
- Revised open space index and natural resources inventory.

TOWN OF PHILIPSTOWN CONSERVATION BOARD
238 MAIN STREET, COLD SPRING, NY 10516
JUNE 13, 2017
MINUTES

The Conservation Board held its regular meeting at Philipstown Town Hall on Tuesday, June 13, 2017.

Present: Mark Galezo (Chairman)
Max Garfinkle (Natural Resources Review Officer)
Andrew Galler
Lew Kingsley
M.J. Martin
Robert Repetto
Eric Lind

****PLEASE NOTE that these minutes were abstracted in summary from the meeting and a taped recording.**

Chairman Galezo opened the meeting at 7:30 p.m.

1.Old Business:

Jose & Maria Lojano, 17 Ox Yoke Road, Garrison

TM# 90.8-2-7

WL# 17-288

Mr. Jim Annicchiarico of Cronin Engineering represented the applicants. He provided a rundown of everything that had taken place since the last Conservation Board meeting. He stated that they had met with the Health Department at the site and showed them the area to which the septic will be moved; they had no issues with the proposed location. The next step was digging deep test holes (9 ft); there was no rock as well as no water. They then performed 'perk' tests, which resulted in "pretty decent perks". Mr. Annicchiarico stated this was a good area for the site. He has prepared an application for the Health Department for the septic system, which is just about complete, and supplied copies for the board as well. Mr. Annicchiarico expected to submit the application to the Health Department the following day. He noted that even though it is outside the wetland buffer, the garage has been moved back, probably about 20 feet or so, and is 3 feet longer; so it's 33ft x 24ft now, in order to site it a bit better. Based on a conversation with Carl Frisenda, Highway Superintendent, they have changed the drainage pipe; the catch basin will be 15". He noted they are also proposing a 500 gallon propane tank near the back left corner of the garage. Mr. Annicchiarico expects to receive a permit from the Health Department within the next 2-3 weeks at most.

Max Garfinkle questioned whether the applicant was seeking approval of the site plan immediately so they could submit to the Health Department to which Mr. Annicchiarico responded yes; they were seeking some sort of, at least conditional approval, and added they had no problem returning with a landscape mitigation plan.

Mr. Lind asked how they had addressed the swale and Mr. Annicchiarico stated that it remains piped and will be covered by planted grass. He added that they would come back with a planting plan.

Mr. Galezo had 2 questions for the applicants. First, a neighbor had a concern about screening and asked the applicants what they planned to do in terms of replanting all the "big stuff" that came down. Mr. Annicchiarico stated that it is a very dense area between their house and the edge of the road. Mr.

Galezo stated that the main concern was the trees taken down in the upper North area. Mr. Lojano will plant 10-14 trees in the back area. Mr. Galezo added that he would like to hear from the neighbors and what their concerns are.

M.J. Martin added that they had received some input about the driveway and access to the garage in regards to headlights when exiting and suggested it possibly be mitigated through some native planting; something to enhance the property. Mr. Galezo suggested a line of trees along the existing retaining wall or even a fence to block the lights. The Board members discussed the layout of the driveway and possible solutions to the neighbors concerns. Mrs. Martin reminded the board that the only thing under Mr. Lojano's control is his own driveway; not Winston Lane or Ox Yoke Road.

Robert Repetto stated his concern that since the trees have been removed, the pipe won't be able to handle the water flow. He questioned what might be possible to mitigate this problem. The Board members discussed the issue. Mr. Galezo suggested leaving it open due to the curtain drain to make sure there are no issues if there is an overflow. Mr. Repetto asked if there were any volume calculations as to the water coming off at a maximum time, like during the Spring. Mr. Annicchiarico stated that most of it is groundwater; kind of hard to quantify. Mr. Repetto suggested that due to the trickiness of the area, the board would like to see some sort of report.

Mr. Galezo suggested a phased approval. The board discussed runoff from the land and possibly creating a holding area to catch the overflow and prevent from adding flow to the stream and flooding the surrounding properties. It was added that it would help protect their own property as well.

Mr. Garfinkle stated first and foremost, the septic system needs to be repaired. Mr. Galezo suggested letting them move ahead; give them a permit for the whole thing with contingencies. Mr. Annicchiarico stated that anything that gets destroyed during construction will get grassed right away.

Mr. Garfinkle also suggested creating a rain garden behind the garage for runoff from the garage; a dry well or rain garden could be used. Mr. Galler added that it isn't always necessary to get a permit to pave a driveway so it is a good idea to take the future possibility into consideration when discussing future runoff. Mr. Galezo suggested putting a condition in the permit to address this issue. Someone suggested possibly narrowing the driveway. Mr. Lojano stated they could definitely extend the planting island. Mrs. Martin added that if the area becomes more ovular, maybe they could plant something taller. Mr. Galler questioned why it isn't possible to alter the layout in order to alleviate some of the concerns of the neighbors; he suggested it was somewhat excessive. Mr. Lojano stated that this island is pre-existing. Mr. Lind suggested the applicant come back with a plan that minimizes the disturbance within the regulated area. He stated there is a permit request for the septic work. Now, it is necessary to come up with appropriate sequencing of the permits. Mr. Lind asked what's needed to be addressed immediately in terms of the septic. Mr. Annicchiarico stated they needed a permit from the board to do the septic work once they get the permit form the Health Department. That work would be from the tank in the back of the house around the side to the new septic then to a pump chamber and then a force line to be installed, and then the field. Mr. Lind advised the applicant to go and apply to the board of health, then come back to the Conservation Board with a plan for minimal disturbance within the regulated area. He suggested providing the applicant with a concise list of what's been discussed and what the board would like to see that minimizes the disturbance in the regulated area; come back next month and present the board with what you have come up with based on the list we provide you. Mr. Repetto requested to see some numbers; some water flow estimates. Mr. Annicchiarico questioned what the applicant can do to keep the process going. He requested something in writing from the board that he could present to the

Health Department regarding the location of the septic in the wetland buffer. Mr. Garfinkle suggested the applicant will have to get a permit from the Health Department for the septic work to be done but may not begin the work until coming back in front of the board at their next meeting which will take place on July 11, 2017. Mr. Lind suggested just making it 2 permits. Mr. Galler moved to approve the issuance of a permit for the connection up to the fields, and the fields, based on the septic plan drawings submitted, seconded by Mrs. Martin. The vote was unanimous.

2. New Business

Homeland Towers LLC., 40 Yesterday Drive

TM# 38.-3-24.1

WL# 17-289

Robert Guadoso from Snyder & Snyder was present representing the applicant along with James Caris from JMC. They are proposing a gravel access driveway with underground utilities through an adjacent area next to a wetland and a wetland outlet and intermittent stream. The applicant has agreed to a suggested realignment to the access drive to get further away from an existing tree. He presented the board with a detailed commitment letter in regards to the realignment. Max Garfinkle asked for a synopsis of what the sequencing would be. Mr James Caris of John Meyer Consulting explained the construction sequencing. It would be fairly simple; 2-3 months. First flagging and installing a stabilized construction entrance, sediment erosion control measures, ensure the functioning of the existing drainage infrastructure, and then construct the vegetative swell as seen on the plans to the north and the west. Once given the satisfaction of the Town, the area would be cleared and grubbed. They would stockpile and stabilize any of the material that would need to come out for the installation of the footing, followed by a rough grading of the area and then install the storm drainage proposed as well as proceed with the utilities, burying the conduit underneath the access drive and then commence with the final grading, site stabilization and clean and inspect the site, including seeding and mulching. Mr. Garfinkle suggested adding some sort of barrier between the existing pond and the drive. Someone asked who the lead on this was to which Mr. Galezo answered the Planning Board. It was asked if there has been a request yet, for the conservation board, other than just the wetland permit. Mr. Galler suggested that talking about the wetland permit right now might be too soon. Andy Galler stated that there has not yet been a determination by the Zoning Board. The Conservation Board has 2 responsibilities: 1 being a wetland permit and 2 being to advise the lead agency, the Planning Board. The location is in scenic overlay and it is on the edge of the Ridgeline Protection which is in the Open Space Index. Mr. Galler stated that, in his opinion, there are too many issues; too many things that are incorrect and the Board is not ready to look at this yet. Mr. Lind stated that generally they would get a referral from another Town Agency and then provide comments back to that permitting authority. We can then also provide our own permit for the area that we regulate. Mr. Guadoso makes note that the Board has to take action within 30 days. Mrs. Martin added that if this is in fact in the OSI and also the Scenic Protection Overlay that would add additional responsibilities on the Conservation Board to the lead agency. Mr. Guadoso states that the Zoning Board has not issued intent to act as lead agency and this is not a Type 1 Action so there is no requirement for there to be a coordinated review. Therefore, the Conservation Board is free to perform its own SEQRA analysis with respect to the area of the project. Mr. Galezo states that he has no idea what to do and at this time he does not think the Board is not ready to make a decision. He thanked the applicant for coming in and stated the Board would do their due diligence to speak with the Zoning Board. After further discussion between the board and the applicants representatives, Mr. Galezo states that he would entertain a motion to accept the information that has been given, and respectfully decline to issue a permit at this time. He states the Board will speak to the appropriate authorities of the Town and decide what the next step is supposed to be. Mrs. Martin added they would be seeking further clarity on the issue. Mr. Galezo added that the Board would be willing to put the matter on the July agenda.

Mr. Roger Gorevic asked if the Board would be forced to make a decision in 30 days. Mr. Lind responded saying wetland permit approval is only for a section of a larger decision making process suggested to the town and does not relieve the applicant of any other permit approvals that they may need. The Town entities need to get together and decide the appropriate sequence of events. Mrs. Martin added that the board held a very narrow permitting responsibility but also a responsibility to consult the lead agency.

Roger Gorevic again addressed the Board asking if the wetlands are where the focus is going to be, wouldn't one have to do an Environmental Impact Study as well? This would have an impact, in his understanding, which would require a very broad based long-term environmental impact study. He also suggested that at the Zoning Board meeting there were questions as to whether this is even necessary; there are 7 towers within 12 miles. There is one less than a mile from where this one is being proposed.

Mike Leonard noted that the Town Engineer can guide all Boards as to what scope they are dealing with and to provide guidance. The approvals will be coming from 2 boards in different pieces.

Mr. Galezo thanked everyone. He stated that this is as clearly going to be an ongoing process and apologized that the board is unable to act at this time. A member of the audience, who is an owner of an adjacent property, questioned how many feet the tower would be from Vineyard Road. Mr. Galler suggested the conversation proceed at a later date. The representative stated that he would answer question outside so as to not hold up the meeting.

Masson Copeland Foods, 3056 Route 9, Cold Spring

TM# 27.16-1-26

WL# 17-290

Mr. James Copeland was present. Mr. Leonforte of Precision Excavating was also in attendance. Mr. Copeland stated they are looking to get approval for a septic repair for the 3 bedroom residence which sits above. The reason for the distance is that the well is right up against the house. The project is close to Clove Creek and they have taken the precautions of a silt fence and want to install a clay barrier. The They Board of Health approved it as is. There were comments from the Board on the flood plain issue and the 10 foot elevation issue. Mr. Galezo stated that the question of the Board is what is the extent of the 100 year flood? Mr. Garfinkle pointed out an old line on their map, but was unsure how valid it was. Mr. Copeland pointed out that the line is actually on the survey. Mr. Lind requested Mr. Copeland explain to the Board some details about the clay barrier and its function. Mr. Leonforte explained that the clay will be very dense and angled back which is meant to be a permanent dam and prevent leaking from the side wall of the septic system. There is a 6 foot wide stone wall already existing which will act as a rip rap and prevent water destruction. A discussion ensued over possible flooding that could potentially damage the septic as well as the stream. Mr. Galezo touched on the idea of a filter, which could prevent any solid waste from entering the field or the stream and also helps systems last longer. It was suggested to add more stone to the wall and go around the corner to add extra protection. Mr. Garfinkle added that this may cause issues with the DEC, as they tend to regulate 15 feet from the streams edge. The Board and Mr. Copeland continued to discuss the issue at length.

Mr. Lind stated there are 3 things that will help improve: Shoring up the stone wall, a clay berm?, and the filtering process; Mr. Leonforte added they will be stabilizing with vegetation.

Mr. Kingsley moved to approve the issuance of a permit with conditions stated (stone wall on south, filter system, and whatever is on the plans regarding the clay pipe) and Mrs. Martin seconded the motion. The vote was unanimous.

Mrs. Martin moved to adjourn the meeting and Lew Kingsley seconded the motion. All were in favor and
Date: 5/10/2017 3:56 pm

3. Stormwater Discussion

- Max Garfinkle, Natural Resources Review Officer, reported that the Town had invited 2 residents that are in close proximity to or adjacent to Glassbury Court to report on their concerns about Clove Creek; Richard Nairn, 35 Horton Rd. and Mr. Ruby, 46-50 Horton Rd. Mr. Nairn suggested that the report the Board received from Tim Miller is wrong. He states he has had a number of people look at the area and agree that something needs to be done but nothing has happened. He presented the board with pictures of what he claims is the issue with the "washout and ravining" that has taken place. Mr. Nairn stated the retention pond has never been maintained; there are 4-5 inch trees growing out of it. Roof loads of water are going into the pond and in his opinion it was very poorly designed. The retention pond has never been cleaned out and he doesn't see how it can be remedied. The retention pond is not large enough and overflows onto the Ruby property. Mr. Garfinkle added that they had adapted the stormwater plan to what was already there when it was Quarry Pond. Mr. Nairn continued to voice his concerns, adding that Clove Creek is a protected brown trout spawning ground. Mr. Garfinkle stated that is a post-construction protection plan. He added there are bulleted points that they can address first and see if that remediates the problem. There was lengthy discussion amongst the board about the issue. Mr. Garfinkle stated he could write a letter to the Homeowner's Association and bring their attention to the maintenance plan, attach the Stormwater Plan and invite them to come in and look at their plan or reach out to Tim Miller & Associates and get a copy. Mr. Garfinkle thanked Mr. Nairn for providing the pictures to the board for reference. Mr. Galezo agreed with the suggestion that Mr. Garfinkle reach out to the Homeowner's Association and explain their responsibility and give them a chance to remedy the situation. Mrs. Martin suggested giving them a timetable to work with. They continued to discuss the issues and possible solution to the flooding and retention pond issues. Mr. Garfinkle and Mike Leonard continued to discuss the Clove Creek issue.

4. Minutes

The minutes of May 9, 2017 were reviewed. Mrs. Martin moved to approve the minutes as presented and Mr. Galler seconded the motion. All were in favor.

5. Other Business:

Mr. Garfinkle reviewed a small permit regarding the zoning code. The building inspector had brought to his attention that he had seen some excavation work going on on Howland Road, in Continental Village. Mr. Garfinkle stated that he had gone to the property and was essentially denied access. He asked them to go to the building department and fill out a building permit; the building department then issued a permit based on the understanding that it was a smaller project, but after visiting the site that day, it was drastically different from what he was told. They seem to be adding fill in an area of their yard but he is unsure what the previously existing conditions were. He added there is a possible steep slopes concern. The address is 15 Howland Road. Mr. Garfinkle asked for some guidance. It was suggested that Mr. Garfinkle issue a stop work order for the time being. Mr. Lind noted that Mr. Garfinkle has pointed out a weakness in the zoning code. It was suggested that this issue be run by Ron Gainer and then go in front of the Town Board for a revision of code.





















